

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC D. TEROO,	:	CIVIL ACTION NO. 1:16-CV-1436
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
DARRYL L. SMUCK, II, and THE	:	
SOUTHERN POLICE COMMISSION,	:	
	:	
Defendants	:	

ORDER & PARTIAL JUDGMENT

AND NOW, this 17th day of September, 2018, upon consideration of the parties' cross-motions (Doc. 43, 46) for summary judgment, and the parties' respective briefs in support of and opposition to said motions (Docs. 45, 49, 51, 54, 55, 57), and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. Defendants' motion (Doc. 43) for summary judgment is GRANTED in part and DENIED in part as follows:
 - a. The motion (Doc. 43) is GRANTED to the extent Count II of plaintiff's second amended complaint (Doc. 42) is DISMISSED.
 - b. Defendants' motion (Doc. 43) is otherwise DENIED.
2. Plaintiff's motion (Doc. 46) for summary judgment is DENIED.
3. Judgment is ENTERED in favor of defendant Southern Police Commission and against plaintiff on Count II of plaintiff's second amended complaint.

4. The Clerk of Court is DIRECTED to terminate defendant Southern Police Commission as a party to the above-captioned action.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania